



**UNITED STATES DISTRICT COURT**

**WESTERN DISTRICT OF WASHINGTON**

**OFFICE OF THE CLERK**

Seattle

700 Stewart St., Suite 2310

Seattle, WA 98101

(206) 370-8400

**WILLIAM M. MCCOOL**  
District Court Executive  
Clerk of Court

**LORI LANDIS**  
Chief Deputy Clerk

June 12, 2013

**CLERK, US DISTRICT COURT**

Mark O. Hatfield  
United States Courthouse  
1000 Southwest Third Avenue,  
Room 740  
Portland, OR 97204-2802

**USA v John Stites**  
Your No: CR04-349 BR  
Our No: MJ13-289

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court per RULE 5(c)(3)(D), or 32.1, dated 6/12/2013, please download the documents maintained electronically by the District Court through PACER for the Western District of Washington at <https://ecf.wawd.uscourts.gov/>.

Please affirm in some manner the receipt of this transfer notification letter.

Sincerely,

WILLIAM M. MCCOOL, District Court Executive

By Ben Beetham,

A handwritten signature in black ink, appearing to read "Ben Beetham".

Deputy Clerk

PROB 19  
(Rev 5/92)

UNITED STATES DISTRICT COURT

ORIGINAL

for

District of Oregon

U.S.A. vs JOHN TIMOTHY STITES

Docket No. 0979 3:04CR00349-001-BR

TO:<sup>1</sup> Any U.S. Marshal or any other authorized officer

WARRANT FOR ARREST OF PROBATIONER/SUPERVISED RELEASEE

You are hereby commanded to arrest the within-named probationer/supervised releasee and bring him or her, forthwith, before the United States District Court to answer charges that he or she violated the conditions of his or her supervision imposed by the court.

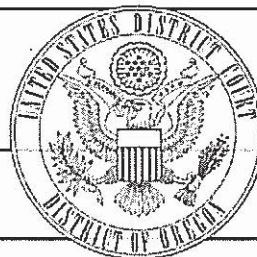
NAME OF PROBATIONER/SUPERVISED RELEASEE	SEX	M	RACE	W-Non-Hispanic origin	AGE	34
John Timothy Stites						

ADDRESS (STREET, CITY, STATE)

SENTENCE IMPOSED BY (NAME OF COURT)  
U.S. District Court, Portland, Oregon

DATE IMPOSED  
September 12, 2005

TO BE BROUGHT BEFORE (NAME OF COURT, CITY, STATE)  
U.S. District Court, Portland, Oregon



Mary L. Moran, Clerk of the Court	s/Janett Cubias	03/15/2013
CLERK	(BY DEPUTY CLERK)	DATE

RETURN

Warrant received and executed.	Date Received	Date Executed

EXECUTING AGENCY (NAME AND ADDRESS)

NAME	(BY)	DATE

<sup>1</sup>Insert designation of officer to whom the warrant is issued, e.g., "any United States Marshal or any other authorized officer;" or "United States Marshal for \_\_\_\_\_ District of \_\_\_\_\_;" or "any United States Marshal;" or "any Special Agent of the Federal Bureau of Investigation;" or "any United States Marshal or any Special Agent of the Federal Bureau of Investigation;" or "any agent of the Alcohol Tax Unit."

PROB 12C-OR  
(01-22-09)

UNITED STATES DISTRICT COURT

for  
DISTRICT OF OREGON

PETITION FOR WARRANT  
AND  
ORDER TO SHOW CAUSE

U.S.A. vs. JOHN TIMOTHY STITES

Docket No. 0979 3:04CR00349-001-BR

Petition on Probation and Supervised Release

COMES NOW MATTHEW K PREUITT, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of John Timothy Stites, who was convicted of Felon in Possession of a Firearm and placed on supervision by The Honorable Anna J. Brown sitting in the court at Portland, Oregon, on the 12th day of September, 2005. Defendant was sentenced to 100 months custody of the Bureau of Prisons, to be followed by a 3-year term\* of supervised release, and the general terms and conditions theretofore adopted by the court were imposed.

\*Term of supervised release commenced on August 3, 2012.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation of Standard Condition No. 7 – Failing to submit a written monthly report within the first 5 days of each month and failing to report to the probation officer. On October 19, 2012, a request was submitted to the Western District of Washington (WD/WA), U.S. Probation Office, Seattle, to transfer supervision to their district so Stites could reside with his mother. The WD/WA U.S. Probation Office authorized travel to their district pending acceptance of supervision. Stites had a Washington Department of Corrections probation violation warrant and a pending charge in Kittitas County, Washington, to resolve. Stites resolved his pending court matters and reported regularly to his state probation officer. On December 13, 2012, the WD/WA U.S. Probation Office denied his request to transfer to their district, as Stites married Alicia Tofoya and requested to relocate to the District of New Mexico (D/NM) to reside with his new wife. On January 15, 2013, a request was submitted to transfer Stites' supervision to the D/NM. On February 14, 2013, D/NM U.S. Probation Officer denied Stites request to transfer to their district, to be revisited in 6 months, if Stites remained compliant with his conditions. Stites continued to reside at 6718 5<sup>th</sup> Avenue NW, Seattle, WA, 98117, with his mother.

Stites failed to submit written reports for the months of January and February 2013. On February 27, 2013, John Penton, Stites' Washington Department of Corrections Probation Officer, advised that he had obtained a warrant for Stites' arrest, as Stites had absconded supervision. On February 27, 2013, this officer tried to call Stites. I also attempted to call his wife, but her number is disconnected. I called his mother and requested she have Stites call me. Stites has not called to report. On March 8, 2013, I attempted to call Stites, but was unable to make contact with him. I left his mother a voicemail on her phone to have him call me. Stites has not returned my calls. On March 5, 2013, I sent Stites a letter to his address in Seattle, to report on March 13, 2013, at 2 p.m. He failed to report as directed.

**RECOMMENDED ACTION:** Based upon the above allegations, probable cause has been established that a violation of supervised release has been committed. It is recommended the Court order the issuance of a Warrant and Order to Show Cause why Stites' term of supervised release should not be revoked.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 14, 2013.

Respectfully,

ORDER OF THE COURT

Matthew K Preuitt  
Matthew K Preuitt  
U.S. Probation Officer

Considered and ordered this 15 day of March, 2013, and ordered filed and made a part of the records in the above case.

Martha J. Brown  
The Honorable Anna J. Brown  
U.S. District Judge

FILED  
LODGED  
RECEIVED

JUN 12 2013

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT  
for the WESTERN DISTRICT OF WASHINGTON

at Seattle

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

JOHN STITES,  
Defendant,

Case No. MJ13-289

WAIVER OF RULE 5(c)(3)(D) HEARING  
and ORDER OF TRANSFER

WAIVER OF RULE 5(c)(3)(D) HEARING

I, John Stites, have appeared before a United States Magistrate Judge in the Western District of Washington, who has advised me of the provisions of Rule 20 and of my right to a further hearing pursuant to Rule 5(c)(3)(D) of the Federal Rules of Criminal Procedure. I wish to waive my right to such further hearing, therefore:

a) I acknowledge that I am the person named in an indictment, information, or warrant pending in the District of Oregon;

b) I waive my right to production of the warrant or of any other original papers relating to these charges or certified copies thereof;

c) If I am entitled to a preliminary examination, I elect to have it conducted in the

district where the prosecution is pending; and,

- d) I consent to the issuance of an order directing me to appear and answer in said district where the charges are pending.

DATED this 12<sup>th</sup> day of June, 2013.

Defense Counsel

Jay W. Stansell

Defendant

John T. Stiles  
# 68311-065

ORDER OF TRANSFER

Based upon the foregoing Waiver, it is hereby ORDERED that the further proceedings in this case shall be conducted in the District of Oregon. The Clerk of this Court shall forthwith transmit to the Clerk in said district the records of proceedings conducted in this district. Unless the defendant is released on bond, the U. S. Marshal is directed to transport defendant as promptly as possible to that district. If released on bond, the defendant is directed to appear in that district for further proceedings at the time and place specified on the bond, or as otherwise directed by court order.

DATED this 12<sup>th</sup> day of June, 2013

United States Magistrate Judge

CLOSED

**U.S. District Court**  
**United States District Court for the Western District of Washington (Seattle)**  
**CRIMINAL DOCKET FOR CASE #: 2:13-mj-00289-JPD All Defendants**

Case title: USA v. Stites  
Other court case number: CR04-349 BR District of Oregon

Date Filed: 06/12/2013  
Date Terminated: 06/12/2013

Assigned to: Hon. James P. Donohue

**Defendant (1)**

**John Timothy Stites**  
*TERMINATED: 06/12/2013*

represented by **Jay Warren Stansell**  
FEDERAL PUBLIC DEFENDER'S  
OFFICE (SEA)  
1601 5TH AVE  
STE 700 WESTLAKE CENTER OFFICE  
TOWER  
SEATTLE, WA 98101  
206-553-1100  
Fax: FAX 553-0120  
Email: jay\_stansell@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or*  
*Community Defender Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**







\*\*Supervised Release warrant out of the  
District of Oregon\*\*

**Disposition**



**Plaintiff****USA**

represented by **Karyn S Johnson**  
US ATTORNEY'S OFFICE (SEA)  
700 STEWART ST  
STE 5220  
SEATTLE, WA 98101-1271  
206-553-7970  
Email: Karyn.S.Johnson@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/12/2013	 <a href="#">1</a>	CHARGING DOCUMENT RECEIVED FROM OTHER COURT as to John Timothy Stites (BB) (Entered: 06/12/2013)
06/12/2013		Arrest of John Timothy Stites on 6/12/2013. (BB) (Entered: 06/12/2013)
06/12/2013	 2	Minute Entry for proceedings held before Hon. James P. Donohue- CRD: <i>B. Beetham</i> ; AUSA: <i>Karyn Johnson</i> ; Def Cnsl: <i>Jay Stansell</i> ; PTS: <i>Sara Moore</i> ; Court Reporter: <i>Digital Recording</i> ; Time of Hearing: <i>1:35 p.m.</i> ; Courtroom: <i>12B</i> ; <b>INITIAL APPEARANCE AND DETENTION HEARING IN RULE 5(c)(3)/32.1 PROCEEDINGS</b> as to John Timothy Stites held on 6/12/2013. Defendant present in custody. Defendant advised of rights. Financial Affidavit reviewed, Counsel appointed. Defendant advised of allegations in the Supervised Release Violation Petition/Warrant out of the District of Oregon. Defendant submits Waiver of Identity Hearing. Court signs an Order of Transfer. Counsel does not contest detention at this time. Defendant Ordered detained pending an appearance in the District of Oregon. (BB) (Entered: 06/12/2013)
06/12/2013	 4	ORDER APPOINTING FEDERAL PUBLIC DEFENDER On the basis of the defendant's sworn financial statement, the court finds that he/she is financially unable to retain counsel. It is hereby ORDERED that the Federal Public Defender for the Western District of Washington be and hereby is appointed to represent the defendant pursuant to Title 18 United States Code 3006A. Signed by Hon. James P. Donohue. ( <i>No.pdf image attached</i> ) (BB) (Entered: 06/12/2013)
06/12/2013	 <a href="#">5</a>	WAIVER OF RULE 5 HEARINGS AND ORDER OF TRANSFER to District of Oregon as to John Timothy Stites by Hon. James P. Donohue. (cc: PTS, USMO) (BB) (Entered: 06/12/2013)
06/12/2013	 <a href="#">6</a>	Letter to the District of Oregon regarding Transfer Notification as to defendant John Timothy Stites (BB) (Entered: 06/12/2013)